

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

WILLIAM T. MOCK; CHRISTOPHER LEWIS;  
MAXIM DEFENSE INDUSTRIES, LLC, a limited  
liability company; and FIREARMS POLICY  
COALITION, INC., a nonprofit corporation,

*Plaintiffs,*

v.

MERRICK GARLAND, in his official capacity as  
Attorney General of the United States; the UNITED  
STATES DEPARTMENT OF JUSTICE; STEVE  
DETTELBACH, in his official capacity as the  
Director of the Bureau of Alcohol, Tobacco,  
Firearms and Explosives; and the BUREAU OF  
ALCOHOL, TOBACCO, FIREARMS AND  
EXPLOSIVES,

*Defendants.*

Civil Action No. 4:23-cv-00095-O

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION OR,  
IN THE ALTERNATIVE, FOR POSTPONEMENT OF THE  
EFFECTIVE DATE OF THE FINAL RULE**

Pursuant to Federal Rule of Civil Procedure 65, Northern District of Texas Local Civil Rule 7.1, and 5 U.S.C. § 705, Plaintiffs William T. Mock; Christopher Lewis; Maxim Defense Industries, LLC (“Maxim Defense”); and Firearms Policy Coalition, Inc. (“FPC”), through their undersigned counsel, move this honorable Court for a preliminary injunction prohibiting Defendants and their officers, agents, servants, and employees from implementing and enforcing the provisions established and amended by the Department of Justice and Bureau of Alcohol, Tobacco, Firearms, and Explosives’ Final Rule entitled *Factoring Criteria for Firearms with Attached ‘Stabilizing Braces,’* 88 Fed. Reg. 6,478 (Jan. 31, 2023), or, in the alternative, for an order postponing the effective date of the same.

In support of this Motion, Plaintiffs concurrently file a Brief in Support of Plaintiffs' Motion for Preliminary Injunction along with supporting documentation pursuant to Northern District of Texas Local Civil Rule 7.1(d).

Plaintiffs' counsel has conferred with counsel for Defendants, who oppose the relief requested herein. In conferring with Defendants' counsel, Plaintiffs' counsel also requested that Defendants voluntarily postpone the effect date of the Final Rule pursuant to 5 U.S.C. § 705, to avoid the need for this Motion. 5 U.S.C. § 705. ("When an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review."). Defendants' counsel indicated Defendants would not voluntarily postpone the effective date.

As noted in Plaintiffs' prior motion, Plaintiffs have sought to move this matter along as quickly as possible without resorting to *ex parte* relief, for the benefit of the Court and all parties. Accordingly, Plaintiffs and Defendants have agreed, with this Court's approval, to brief this matter on an expedited basis, with Defendants' response due no later than March 10, 2023, and Plaintiffs' reply due no later than March 17, 2023. ECF No. 32. Additionally, Plaintiffs do not request oral argument on this motion for the sole purpose of further expediting its consideration, but Plaintiffs are available if the Court believes it would aid in its decision.

DATED this 21st day of February, 2023.

Respectfully submitted,

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/s/ Cody J. Wisniewski

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\*Admitted *pro hac vice*

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that, on February 21, 2023, a true and correct copy of the foregoing document was served via the Court's CM/ECF system to all counsel of record.

*/s/R. Brent Cooper*  
R. Brent Cooper  
COOPER & SCULLY, P.C.

**CERTIFICATE OF CONFERENCE**

I hereby certify that, on February 7, 8, and 9, 2023, Plaintiffs' counsel, Cody J. Wisniewski conferred with Defendants' counsel, Jody Lowenstein, Michael Drezner, and Faith Lowry with the U.S. Department of Justice, Civil Division, via email and telephone, who stated that Defendants oppose the relief request in this Motion.

*/s/ Cody J. Wisniewski*  
Cody J. Wisniewski  
FIREARMS POLICY COALITION